

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 29, 2008

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No. 08-50111  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BYRON JOE WEST

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:03-CR-295-ALL

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Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

Byron Joe West, federal prisoner # 39638-180, was convicted of possession of a firearm by a convicted felon. He seeks a certificate of appealability (COA) to appeal the district court's orders transferring to this court his motion to reopen direct appeal and his motion to reduce sentence under 18 U.S.C. § 3582(c)(2) as unauthorized successive 28 U.S.C. § 2255 motions.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

If necessary, we must examine the basis of our jurisdiction sua sponte. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The district court's transfer orders were nonappealable interlocutory orders. See *Brinar v. Williamson*, 245 F.3d 515, 516-18 (5th Cir. 2001). We are without jurisdiction to consider the present appeal. See *id.* Accordingly, the appeal is dismissed for lack of jurisdiction. West's motions for a COA, for leave to proceed in forma pauperis on appeal, and for appointment of counsel are denied.

APPEAL DISMISSED; MOTIONS DENIED.